

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

JOHN ROBERT DEMOS, JR.,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

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CIVIL ACTION NO. 2:14-28460

MEMORANDUM OPINION AND ORDER

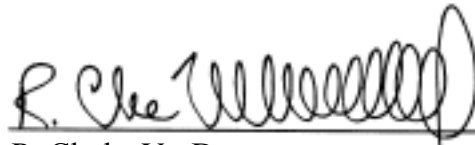
On November 17, 2014, Petitioner, acting *pro se* and incarcerated in Washington State Penitentiary, filed his Application for Writ of *Habeas Corpus* by a Person in Federal Custody under 28 U.S.C. § 2241. (Document No. 1.).

Pursuant to 28 U.S.C. § 2241(a), a writ of *habeas corpus* “may be granted by the Supreme Court, any justice thereof, the district court and any circuit judge *within their respective jurisdictions*.” 28 U.S.C. § 2241(a)(emphasis added). Title 28 U.S.C. § 2242 provides that a petitioner should name “the person who has custody over him” as the respondent to his *habeas* petition. 28 U.S.C. § 2242. The custodian is “the person with the ability to produce the prisoner’s body before the habeas court.” Rumsfeld v. Padilla, 542 U.S. 426, 434, 124 S.Ct. 2711, 159 L.Ed.2d 513 (2006). The Court finds that Petitioner is currently incarcerated at Washington State Penitentiary, which is located in Walla Walla, Washington. This Court, however, does not have jurisdiction over Petitioner’s current warden, who is located in Washington. Jurisdiction with respect to the claims which Petitioner raised herein is therefore in the Eastern District of Washington. Accordingly, the Court finds that the transfer of this matter is in the interest of justice and therefore warranted. See 28 U.S.C. § 1631.

Accordingly, it is hereby **ORDERED** that this matter is **TRANSFERRED** to the Eastern District of Washington pursuant to 28 U.S.C. § 1631.¹ The Clerk is directed to **REMOVE** this matter from the Court's docket.

The Clerk is further directed to send a copy of this Memorandum Opinion and Order to Petitioner, who is acting *pro se*, and the Clerk of the Court for the United States District Court for the Eastern District of Washington.

ENTER: November 19, 2014.



R. Clarke VanDervort
United States Magistrate Judge

¹ The address for the United States District Court for the Eastern District of Washington, Richland Division, is 825 Jadwin Avenue, Room 174, Richland, WA 99352.